

REMARKS

Claims 1-5 and 7-22 are pending in the present application. By this reply, claim 6 has been canceled and new claims 21 and 22 have been added.

The claims have been amended to clarify the invention and to improve form according to U.S. patent practice. No new matter is added.

35 U.S.C § 102 Rejection

Claims 1, 4-5, 7-8, 10, 15-16 and 20 have been rejected under 35 U.S.C. 102(b) as being anticipated by Obinata et al. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Regarding independent claim 1, Obinata et al. as shown in Figure 3 stores a table which identifies a media type and a corresponding drive speed for the disc. In Obinata, the disc is driven according to the drive speed stored in the table, which corresponds to the media type of the disc. In contrast, Applicant's embodied invention as shown in Figure 4, the maximum speed of the optical disc is controlled according to unique property information of the optical disc, such as the disc maker information and/or disc ID information of the disc. For instance, as shown in Figure 3 of the present application, a list of different maker information and the corresponding maximum speed control information are provided and stored in the disc apparatus. Thus, Obinata et al. fails to teach or suggest, *inter alia*: "controlling a maximum speed of the optical disc according to the identified unique property information of the optical disc" as recited in independent claim 1.

Regarding independent claim 7, Obinata et al. as shown in Figure 4 at step 101 reads out a rotational speed initialized by a user for all discs. Then, the media type is determined at step 102 and the rotational speed corresponding to the determined media type and the data format is set at step 103. In other words, in Obinata et al., the rotational speed is set according to the determined media type and data format. In contrast, as shown in Applicant's embodied invention for example in Figure 5, when the loaded optical disc is determined to be of a specific

type, for example, CD-R at step S32, the maximum speed of the optical disc is controlled according to a user input as set forth in steps S33 and S36. Therefore, Obinata et al. fails to teach or suggest, *inter alia*: “controlling a maximum speed of the optical disc according to a user input, if the step (a) determines that the optical disc is of a certain disc type.” Independent claims 15 and 20 recite similar features in a varying scope.

Therefore, independent claims 1, 7, 15 and 20 and their dependent claims (due to their dependency) are patentable over Obinata et al., and reconsideration and withdrawal of the rejection based on these reasons are respectfully requested.

Claim 19 has been rejected under 35 U.S.C. 102(b) as being anticipated by Han et al. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Han et al., having the same assignee as the present application, is directed to modifying a write strategy according to the detected track pitch or storage capacity. In Figure 2, Han discloses in step S11 that the start time information is read from the inserted disc first to identify the manufacturer of the disc in step S12. However, reading the start time information of the disc is not the same as determining a type of the loaded disc, which is required by claim 19. Furthermore, claim 19 requires, *inter alia*, “determining a maker of the disc if the first means determines that the loaded disc is of a prescribed disc type”. These features are not present in Han et al.

Therefore, claim 19 is patentable over Han et al., and this rejection should be withdrawn.

35 USC § 103 Rejection

Claims 2, 6, 11-14 and 17-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Obinata et al., in view of Schreurs et al. This rejection, insofar as it pertains to presently pending claims, is respectfully traversed.

As discussed above regarding independent claims 1, 7 and 15, from which claims 2, 6, 11, 17 and 18 depend, Obinata fails to teach or suggest controlling the speed of the optical disc according to the unique property information of the disc or the user input. Furthermore, Obinata

et al. fails to teach or suggest varying a speed of the disc according to the determined maker of the disc as recited in independent claim 12.

Furthermore, Schreurs does not overcome these deficiencies of Obinata et al. Similar to Obinata et al., Schreurs et al. is directed to providing a write strategy according to the disc type of the optical disc, for example, see paragraph [0006], lines 3-9 of Schreurs et al.

Therefore, even if the references were combinable, the combination of references would still fail to teach or suggest at least the above noted features recited in independent claims 1, 7, 12 and 15. Thus, these claims and their dependent claims (due to their dependency) are patentable over the applied references, and reconsideration and withdrawal of the rejection based on these reasons are respectfully requested.

Claim 3 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Obinata et al. in view of Applicant's disclosed related art. Claim 9 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Obinata et al. in view of Liu. These rejections are respectfully traversed.

As discussed above, Obinata fails to teach or suggest the features recited in independent claims 1 and 7 from which claims 3 and 9 depend, respectively. Further, Applicant's disclosed related art or Liu does not overcome these deficiencies of Obinata et al. since these references are relied on to reject the features in the dependent claims. Therefore, even if the references were combinable, *assuming arguendo*, the combination of references would still fail to teach or suggest the claimed invention. Thus, these rejections should be withdrawn.

New Claims

New dependent claims 21 and 22 further recite the distinguishing features of the invention. These claims are allowable by their dependency on independent claim 1 or due to the additional features recited therein. These claims are fully supported by the original disclosure, for example Figures 4 and 5. Thus, indication of allowance of these claims is respectfully requested.

Supplemental Declaration

A Supplemental Declaration that correctly identifies the Korean priority document of the present application as Application No. 10-2003-0024358 (filed on April 17, 2003) is attached. This application is also correctly mentioned at paragraph [001] of the filed specification. Accordingly, a corrected filing receipt indicating this change is requested.

Conclusion

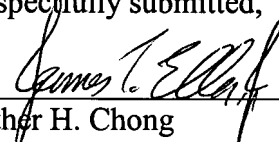
In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong Reg. No. 40,953 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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